

team to carry out the investigation of an incident reported under paragraph (1). The investigation shall cover the following matters:

“(A) An assessment of what occurred, who perpetrated or is suspected of having perpetrated the attack, and whether applicable security procedures were followed.

“(B) In the event the security incident was an attack on a United States diplomatic compound, motorcade, residence, or other facility, a determination whether adequate security countermeasures were in effect based on known threat at the time of the incident.

“(C) If the incident was an attack on an individual or group of officers, employees, or family members under chief of mission authority conducting approved operations or movements outside the United States mission, a determination whether proper security briefings and procedures were in place and whether adequate consideration of threat and weighing of risk of the operation or movement took place.

“(D) An assessment of whether the failure of any officials or employees to follow procedures or perform their duties contributed to the security incident.

“(b) **REPORT OF INVESTIGATION.**—The investigative team shall prepare a Report of Investigation at the conclusion of the Serious Security Incident Investigation and submit the report to the SRC. The report shall include the following elements:

“(1) A detailed description of the matters set forth in subparagraphs (A) through (D) of subsection (a)(2), including all related findings.

“(2) An accurate account of the casualties, injured, and damage resulting from the incident.

“(3) A review of security procedures and directives in place at the time of the incident.

“(c) **CONFIDENTIALITY.**—The investigative team shall adopt such procedures with respect to confidentiality as determined necessary, including procedures relating to the conduct of closed proceedings or the submission and use of evidence in camera, to ensure in particular the protection of classified information relating to national defense, foreign policy, or intelligence matters. The Director of National Intelligence shall establish the level of protection required for intelligence information and for information relating to intelligence personnel included in the report under subsection (b). The SRC shall determine the level of classification of the final report prepared under section 304(b), but shall incorporate the same confidentiality measures in such report to the maximum extent practicable.”

SEC. 1296. FINDINGS AND RECOMMENDATIONS BY THE [SECURITY REVIEW COMMITTEE].

Section 304 of the Diplomatic Security Act of 1986 (22 U.S.C. 4834) is amended to read as follows:

“SEC. 304. [SECURITY REVIEW COMMITTEE] FINDINGS AND REPORT.

“(a) **FINDINGS.**—The Security Review Committee shall review the Report of Investigation prepared under section 303(b), all other evidence, reporting, and relevant information relating to a serious security incident at a United States mission abroad, including an examination of the facts and circumstances surrounding any serious injuries, loss of life, or significant destruction of property resulting from the incident and shall make the following written findings:

“(1) Whether the incident abroad was security related and constituted a serious security incident.

“(2) If the incident involved a diplomatic compound, motorcade, residence, or other mission facility, whether the security systems, security countermeasures, and secu-

rity procedures operated as intended, and whether such systems worked to materially mitigate the attack or were found to be inadequate to mitigate the threat and attack.

“(3) If the incident involved an individual or group of officers conducting an approved operation outside the mission, a determination whether a valid process was followed in evaluating the requested operation and weighing the risk of the operation. Such determination shall not seek to assign accountability for the incident unless the SRC determines that an official breached their duty.

“(4) An assessment of the impact of intelligence and information availability, and whether the mission was aware of the general operating threat environment or any more specific threat intelligence or information and took that into account in ongoing and specific operations.

“(5) Such other facts and circumstances that may be relevant to the appropriate security management of United States missions abroad.

“(b) **SRC REPORT.**—Not later than 30 days after receiving the Report of Investigation prepared under section 303(b), the SRC shall submit a report to the Secretary of State including the findings under subsection (a) and any related recommendations. Not later than 90 days after receiving the report, the Secretary of State shall submit the report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

“(c) **PERSONNEL RECOMMENDATIONS.**—If in the course of conducting an investigation under section 303, the investigative team finds reasonable cause to believe any individual described in section 303(a)(2)(D) has breached the duty of that individual or finds lesser failures on the part of an individual in the performance of his or her duties related to the incident, it shall be reported to the SRC. If the SRC find reasonable cause to support the determination, it shall be reported to the Director General of the Foreign Service for appropriate action.”

SEC. 1297. RELATION TO OTHER PROCEEDINGS.

Section 305 of the Diplomatic Security Act of 1986 (22 U.S.C. 4835) is amended—

(1) by inserting “(a) **NO EFFECT ON EXISTING REMEDIES OR DEFENSES.**—” before “Nothing in this title”; and

(2) by adding at the end the following new subsection:

“(b) **FUTURE INQUIRIES.**—Nothing in this title shall be construed to preclude the Secretary of State from convening a follow-up public board of inquiry to investigate any security incident if the incident was of such magnitude or significance that an internal process is deemed insufficient to understand and investigate the incident. All materials gathered during the procedures provided under this title shall be provided to any related board of inquiry convened by the Secretary.”

SA 4457. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 638, strike lines 18 and 19 and insert the following:
mit to the Committee on Armed Services and the Committee on Foreign Relations of

the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives a report on the obstructions

SA 4458. Mr. TILLIS submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . LIMITATION ON ADJUSTMENT OF PATENT TERMS.

(a) **AMENDMENT.**—Section 154(b)(2) of title 35, United States Code, is amended—

(1) in subparagraph (B), by striking “No patent” and inserting “Except as provided in subparagraph (D), no patent”; and

(2) by adding at the end the following:

“(D) **EXCEPTION.**—Subparagraph (B) shall not apply to a patent for which is a terminal disclaimer has been filed over a later-issued patent if—

“(i) the earliest-filed application to which there is a specific reference under section 120, 121, 365(c), or 386(c) in the terminally disclaimed patent and the later-issued patent is the same; or

“(ii) the earliest-filed application to which there is a specific reference under section 120, 121, 365(c), or 386(c) in the later-issued patent is the application that was issued as the terminally disclaimed patent;

“(iii) the patents are commonly owned; and

“(iii) the later-issued patent is in force on the date of enactment of this subparagraph.”

(b) **APPLICABILITY.**—The amendments made by subsection (a) shall apply only to a patent for which a terminal disclaimer is filed after the date of enactment of this Act.

SA 4459. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . TREATMENT OF EXEMPTIONS AND RECORDKEEPING UNDER FARA.

(a) **LIMITATION ON EXEMPTIONS.**—Section 3 of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 613), is amended, in the matter preceding subsection (a), by inserting “, except that the exemptions under subsections (d)(1) and (h) shall not apply to any agent of a foreign principal that is included on the list maintained by the Assistant Secretary of Commerce for Communications and Information under section 5(b)” before the colon.

(b) **BOOKS AND RECORDS.**—

(1) **LIST OF AGENTS OF FOREIGN ADVERSARIES.**—Section 5 of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 615), is amended—

(A) by striking the section designation and heading and all that follows through the end of the first sentence and inserting the following:

“SEC. 5. BOOKS OF ACCOUNT AND RECORDS; LIST OF AGENTS OF FOREIGN ADVERSARIES.

“(a) BOOKS OF ACCOUNT AND RECORDS.—Except as otherwise provided in this subsection, each agent of a foreign principal that is registered under this Act shall maintain, during the period of service as an agent of a foreign principal, all books of account and other records with respect to the activities of the agent of a foreign principal the disclosure of which is required under this Act, in accordance with such business and accounting practices as the Attorney General, having due regard for the national security and the public interest, determines, by regulation, to be necessary or appropriate for the enforcement of this Act, and preserve those books and records for a period of not less than 3 years after the date of termination of the status of the agent as an agent of a foreign principal.”; and

(B) by adding at the end the following:

“(b) LIST OF AGENTS OF FOREIGN ADVERSARIES.—The Assistant Secretary of Commerce for Communications and Information shall establish a list of, and any relevant information relating to, each agent of a foreign principal that is a foreign adversary (as defined in section 8(c) of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1607(c))). The Assistant Secretary of Commerce for Communications and Information shall update and maintain the list and any related information under this subsection as the Assistant Secretary determines to be necessary and appropriate.”.

(2) CONFORMING AMENDMENT.—Section 7 of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 617), is amended, in the first sentence, by striking “and 5” and inserting “and 5(a)”.

(c) NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION PROGRAM MODIFICATION.—Section 8(a)(2) of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1607(a)(2)) is amended—

(1) in subparagraph (C)(ii), by striking “and” at the end;

(2) in subparagraph (D), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(E) notwithstanding paragraph (3), periodically submit to the Attorney General a list of, and any relevant information relating to, each foreign adversary identified for purposes of the program.”.

SA 4460. Mr. CORNYN (for himself and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

Subtitle —National Cybersecurity Preparedness Consortium Act

SEC. 01. SHORT TITLE.

This subtitle may be cited as the “National Cybersecurity Preparedness Consortium Act of 2021”.

SEC. 02. DEFINITIONS.

In this subtitle—

(1) the term “community college” has the meaning given the term “junior or community college” in section 312 of the Higher Education Act of 1965 (20 U.S.C. 1058);

(2) the term “consortium” means a group primarily composed of nonprofit entities, including academic institutions, that develop, update, and deliver cybersecurity training in support of homeland security;

(3) the terms “cybersecurity risk” and “incident” have the meanings given those terms in section 2209(a) of the Homeland Security Act of 2002 (6 U.S.C. 659(a));

(4) the term “Department” means the Department of Homeland Security;

(5) the term “Hispanic-serving institution” has the meaning given the term in section 502 of the Higher Education Act of 1965 (20 U.S.C. 1101a);

(6) the term “historically Black college and university” has the meaning given the term “part B institution” in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061);

(7) the term “minority-serving institution” means an institution of higher education described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a));

(8) the term “Secretary” means the Secretary of Homeland Security;

(9) The term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any possession of the United States;

(10) the term “Tribal Colleges and Universities” has the meaning given the term in section 316 of the Higher Education Act of 1965 (20 U.S.C. 1059c); and

(11) the term “Tribal organization” has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(e)).

SEC. 03. NATIONAL CYBERSECURITY PREPAREDNESS CONSORTIUM.

(a) IN GENERAL.—The Secretary may work with 1 or more consortia to support efforts to address cybersecurity risks and incidents.

(b) ASSISTANCE TO DHS.—The Secretary may work with 1 or more consortia to carry out the responsibility of the Secretary under section 2209(e)(1)(P) of the Homeland Security Act of 2002 (6 U.S.C. 659(e)(1)(P)) to—

(1) provide training and education to State, Tribal, and local first responders and officials specifically for preparing for and responding to cybersecurity risks and incidents, in accordance with applicable law;

(2) develop and update a curriculum utilizing existing training and educational programs and models in accordance with section 2209 of the Homeland Security Act of 2002 (6 U.S.C. 659), for State, Tribal, and local first responders and officials, related to cybersecurity risks and incidents;

(3) provide technical assistance services, training, and educational programs to build and sustain capabilities in support of preparedness for and response to cybersecurity risks and incidents, including threats and acts of terrorism, in accordance with such section 2209;

(4) conduct cross-sector cybersecurity training, education, and simulation exercises for entities, including State and local governments and Tribal organizations, critical infrastructure owners and operators, and private industry, to encourage community-wide coordination in defending against and responding to cybersecurity risks and incidents, in accordance with section 2210(c) of the Homeland Security Act of 2002 (6 U.S.C. 660(c));

(5) help States, Tribal organizations, and communities develop cybersecurity information sharing programs, in accordance with section 2209 of the Homeland Security Act of 2002 (6 U.S.C. 659), for the dissemination of homeland security information related to cybersecurity risks and incidents;

(6) help incorporate cybersecurity risk and incident prevention and response into existing State, Tribal, and local emergency plans, including continuity of operations plans; and

(7) assist States and Tribal organizations in developing cybersecurity plans.

(c) CONSIDERATIONS REGARDING SELECTION OF A CONSORTIUM.—In selecting a consortium with which to work under this subtitle, the Secretary shall take into consideration the following:

(1) Prior experience conducting cybersecurity training, education, and exercises for State and local entities.

(2) Geographic diversity of the members of any such consortium so as to maximize coverage of the different regions of the United States.

(3) The participation in such consortium of 1 or more historically Black colleges and universities, Hispanic-serving institutions, Tribal Colleges and Universities, other minority-serving institutions, and community colleges that participate in the National Centers of Excellence in Cybersecurity program, as carried out by the Department.

(d) METRICS.—If the Secretary works with a consortium under subsection (a), the Secretary shall measure the effectiveness of the activities undertaken by the consortium under this subtitle.

(e) OUTREACH.—The Secretary shall conduct outreach to universities and colleges, including, in particular, outreach to historically Black colleges and universities, Hispanic-serving institutions, Tribal Colleges and Universities, other minority-serving institutions, and community colleges, regarding opportunities to support efforts to address cybersecurity risks and incidents, by working with the Secretary under subsection (a).

SEC. 04. RULE OF CONSTRUCTION.

Nothing in this subtitle may be construed to authorize a consortium to control or direct any law enforcement agency in the exercise of the duties of the law enforcement agency.

SA 4461. Mr. WARNER (for himself and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DIVISION —INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2022

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the “Intelligence Authorization Act for Fiscal Year 2022”.

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

DIVISION —INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2022

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.